

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA)
v.) Case No. 7:13-CR-0038
OSHAY TERRELL JONES,)
Defendant.)
) By: Michael F. Urbanski
) Chief United States District Judge

ORDER

This matter is before the court on defendant Oshay Jones's Motion to Reduce Sentence Pursuant to Federal Rule of Criminal Procedure Rule 35(a), ECF No. 758, filed on January 6, 2021. The government responded in opposition on January 11, 2021. ECF No. 759.

The court lacks jurisdiction to consider Oshay Jones's motion because a notice of appeal was filed by Oshay Jones on December 22, 2020, divesting the court of jurisdiction. "Generally, a timely notice of appeal transfers jurisdiction of a case to the court of appeals and strips a district court of jurisdiction to rule on any matters involved in the appeal. This rule fosters judicial economy and guards against the confusion and inefficiency that would result if two courts simultaneously were considering the same issues." *Doe v. Public Citizen*, 749 F.3d 246, 258 (4th Cir. 2014) (citing *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). Limited exceptions to this general rule exist to permit district courts to take subsequent action on matters that are collateral to the appeal or to take action that aids the appellate process. *Id.* Neither exception applies here as Oshay Jones asks the court to reconsider a ruling on a sentencing guidelines firearms enhancement previously considered by

the court. Lacking jurisdiction over this matter, the court **DENIES** the pending Rule 35(a) motion.

It is so **ORDERED**.

ENTERED: January 12, 2021.



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge